IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17041 of 2004

Between:

1 M.Raghunath Reddy S/o.Ramachandra Reddy
2 D.Sudershan Reddy S/o.Bal Reddy
3 P.Krishna Reddy S/o.Narayan Reddy
4 M.Kusumalatha D/o.Rangaiah

All are working as Secondary Grade Teachers, Sri Sarada Vidya Mandhi High School, Wanaparthy
Mahabubnagar District.

..... PETITIONERS

AND

1 The District Educational Officer Mahabubnagar District, Mahabubnagar.
2 The Regional Joint Director of School Education, Hyderabad
3 The Commissioner and Director of School Education Andhra Pradesh, hyderabad.
4 The Correspondent, Sri Sarada Vidya Mandir High School Wanaparthy, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly in the nature of writ of mandamus to direct the respondents 1 and 2 to admit the candidature of the petitioners in grant-in-aid posts as per the recommendation submitted by the 4th respondent and as per relevant Government orders by declaring the action of the respondents 1 and 2 in

not doing so as illegal and violative of Articles 14 and 16 of Constitution of India in the interest of Justice and fair play and to pass.

Counsel for the Petitioner:MR.V.V.NARASIMHA RAO

Counsel for the Respondents: GP FOR EDUCATION

The Court at the stage of admission made the following :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17041 of 2004

ORDER:

The petitioners 1 to 4 are contending that they were appointed as Secondary Grade Teachers in the 4th respondent school in unaided vacancies, in the year 1988, 1989, 1990 and 1988 respectively. They are continuing in those posts with a hope that they would get grant-in-aid in future. The petitioners further contend that five posts of Secondary

Grade Teachers were admitted into grant-in-aid by G.O.Ms.No.13, Education (PS.2) Department, dated 24.2.2003 in the 4th respondent-school. The petitioners are the senior most Secondary Grade Teachers and they are qualified to hold the posts of grants-in-aid. The 4th respondent recommended the names of the petitioners for admission into grant-in-aid posts. The respondents have not taken any action in this regard. The petitioners are not getting any salaries since January, 2003, in view of the admission of the posts into grant-in-aid.

One of the teachers of the 4th respondent-school by name S. Gopal, who is a junior to the petitioners, filed W.P.No.368 of 2004 in the High Court, claiming seniority over one Mr.P. Venkateswar Reddy, who is also junior to the petitioners. This Court through the order dated 7.1.2004 granted interim direction that any appointment made in pursuance of the notification, shall be subject to the result of the writ petition, and the respondents were directed to indicate the said condition in the order to be issued to the selected persons. Taking into consideration the order of the High Court, the respondents are not admitting the petitioners, who have nothing to do with the proceedings of W.P.No.368 of 2004, to the posts of grant-in-aid. The petitioners, therefore, approached this Court seeking a direction to the respondents 1 and 2 to admit them to the posts of Grant-in-aid as per the recommendations of the 4th respondent.

Having regard to the circumstances explained by the petitioners, the respondents 1 and 2 are directed to pass appropriate orders on the recommendation made by the 4th respondent regarding the admission of the petitioners to the posts of grant-in-aid as per the terms of G.O.Ms.No.75, School Education (PS-2) Department, dated 23.9.2002, within eight weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

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22nd September, 2004

Nn.

Copies to:

1 The District Educational Officer Mahabubnagar District, Mahabubnagar.

2 The Regional Joint Director of School Education, Hyderabad

3 The Commissioner and Director of School Education Andhra Pradesh, hyderabad.

4 The Correspondent, Sri Sarada Vidya Mandir High School Wanaparthy, Mahabubnagar District.

5. Two copies to the G.P. for School Education, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

6. Two C.D. copies.